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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE

Petitioner,

v.

THE SUPERIOR COURT OF  
SAN BERNARDINO COUNTY,

Respondent;

CARLOS DUBOSE et al.,

Real Parties in Interest.

E052417

(Super.Ct.No. FSB903492)

ORDER MODIFYING OPINION  
AND DENIAL OF PETITION  
FOR REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

Petitioner's petition for rehearing is denied.

The opinion herein, filed on February 23, 2011, is modified as follows:

(1) The first full paragraph on page 3 is deleted and replaced with:

As for the carjacking charge, and the carjacking special circumstance allegation (Pen. Code, §§ 215, 190.2, subd. (a)(17)(L)), we recognize that

some courts have expressed concerns on the expansion of “carjacking” beyond its original scope. (See *People v. Coleman* (2007) 146 Cal.App.4th 1363; cf. *People v. Hoard* (2002) 103 Cal.App.4th 599 [Fourth Dist., Div. Two].) However, again applying the low evidentiary standard applicable to preliminary hearings, we find that there was sufficient evidence to support a reasonable suspicion that real parties in interest assaulted the victim in part to steal his keys. Obviously, having access to a vehicle would make their effective escape from the group home far more feasible, and the inference that they actively sought the keys in order to take his car, is reasonable.

(2) The first paragraph following the disposition heading on page 3 is deleted and replaced with:

Accordingly, the petition for writ of mandate is granted. Let a peremptory writ of mandate issue, directing the Superior Court of San Bernardino County to vacate its order granting real parties in interest’s motions to dismiss the carjacking charge and strike/dismiss the special circumstance allegations related to torture and carjacking and to enter a new order denying said motions.

There is no change in the judgment.

MILLER  
Acting P. J.

We concur:

HOLLENHORST  
J.

KING  
J.